REMARKS

Claims 2, 6, 7-12, 15 and 16 are pending in this application. Of these, claims 2, 7 and 15 are independent claims.

Claims 1, 3-5, and 13-14 have been cancelled. Claim 2 has been rewritten in independent form and amended to remove the language "wherein said text file is received at said wireless device and". Claim 6 has been amended to depend from claim 2 in view of the cancellation of claim 1. Claim 15 has been rewritten in independent form. Claim 16 has been amended to depend from claim 15 in view of the cancellation of claim 13. No new matter has been added by any of the above-noted amendments.

In the Office Action, the rejection of claims 1-16 under 35 USC 102(e) as anticipated by US 2002/0112078 A1 to Yach is maintained.

In the Applicant's response dated September 5, 2008, the Applicant specifically objected to omissions and errors in the Examiner's reasoning in respect of the rejection of certain claims. For example, at pages 5-6 of the September 5, 2008 response, the Applicant objected to the Examiner's failure to respond to or even acknowledge the Applicant's prior argument regarding claim 7, as originally made in the office action response dated March 18, 2008, to the effect that mere translation into Java does not necessarily connote the presence of object classes corresponding to each of: (1) actions to be taken by said wireless mobile device in response to interaction with said at least one screen; (2) a data table for storing data at said wireless mobile device; and (3) a network message to be received or transmitted by said wireless mobile device.

The Applicant also raised new arguments (at pages 6-7 of the September 5, 2008 response) as to why the rejection of claims 2, 6 and 10 is in error.

Yet, in the Advisory Action dated October 15, 2008, the only response to the newly raised arguments in respect of these claims is a statement that "the examiner has fully address [sic] the claimed limitation as detail [sic] as show [sic] in the office action pages 5-7." In other words, despite the existence of previously unaddressed or new

submissions regarding why claims 2, 6, 7 and 10 should be allowed, the submissions were dismissed with the putative justification that the arguments have already been addressed. In fact, these arguments have not been addressed. Thus, the Applicant finds itself in the unwelcome position, for the second time during the prosecution history of this application, of having to reassert arguments due to an incomplete or absent response to the arguments in a previous Office Action. Accordingly, the arguments regarding claims 2, 6, and 10 are in fact reasserted. For convenience, these arguments are reproduced in the paragraphs that follow (note: the argument regarding claim 7 is also reasserted but is not reproduced below as it has already been sufficiently reproduced above).

Claim 2 introduces the limitation of "wherein said text file is received at said device and wherein said text file is an XML file". Claim 2 was rejected based on Yach paragraph 0039. However, that paragraph of Yach merely describes an exemplary content translator 230. The content translator 230 is of course part of the translation component 200 that is separate from the client device (per Yach 0027 and Fig. 1). Moreover, in view of the statement in Yach para. 0012 that "existing HTML, HDML, XML and WML content" [emphasis added] is converted into programs for the viewer by using that translation component, it may be concluded that no XML content actually reaches the client device. If no XML reaches the client device, it follows that the above-stated limitation of claim 2 cannot be disclosed by Yach. Accordingly, the rejection of claim 2 is expressly traversed.

Claim 6 introduces the limitation of "wherein said format of network messages comprises XML definitions for said network messages, and wherein data for said application are dispatched from said wireless device using said XML definitions". Claim 6 was rejected based on Yach paragraphs 0008 and 0038. However, those paragraphs of Yach merely describe the possibility that the legacy content may be in XML (see Yach, para. 0008, lines 12-16). Of course, it is the VM program (VM language), not the legacy XML content, which is communicated to the client device (see Yach 0005). Accordingly, no XML content, whether definitions of network messages or otherwise, can be said to form part of a text file at Yach's client device based on the cited paragraphs. It follows that no data can be dispatched from Yach's client device

"using said XML definitions", since those definitions are absent. Therefore, because each and every limitation of claim 6 is not found in Yach, the rejection of this claim is also expressly traversed.

Claim 10 introduces the limitation of "wherein said parser [which comprises the virtual machine software stored in memory at the wireless mobile device] is an XML parser". Claim 10 was rejected based on Yach paragraph 0039. However, as stated above in respect of claim 2, that paragraph of Yach merely describes an exemplary content translator 230, which is part of the translation component 200 that is separate from the client device (per Yach 0027 and Fig. 1). Moreover, there is no reason for any parser at the client device of Yach (to the extent that any such parser is disclosed, which is not admitted) to be capable of parsing XML, because any conversion from XML to the VM language will already have occurred at the translation component 200 that is separate from the client device (see Yach 0005, 0008 and Fig. 1). Put another way, if no XML content reaches the client device of Yach, then there is no need for an XML parser at the Yach device. The Examiner's conclusion that Yach shows an XML parser at the client device is therefore illogical. Accordingly, the rejection of this claim is also expressly traversed.

The Applicant submits that each of the aforementioned claims, i.e. claims 2, 6, 7 and 10, do in fact patentably distinguish over the Yach reference for the reasons stated above. Moreover, claims 8-12 are also allowable as they depend from claim 7, and claims 15 and 16 are allowable for the same reasons as claims 2 and 6.

Based on the foregoing, it is believed that the present application is in allowable form. Early favorable reconsideration of the application is therefore earnestly solicited.

Respectfully submitted,

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